

Serial No. 10/062,619
Response to Official Action
Page 12 of 15

REMARKS/ARGUMENTS

Initially, Applicant and the undersigned thank Examiner Moazzami for his courtesy in providing a telephonic interview on April 7, 2005 to discuss the outstanding rejections and objections and for his careful review of this application. Consideration of the present application is respectfully requested in light of the above amendments to the claims, and in view of the following remarks.

Status of the Claims

After entry of the foregoing amendments, Claims 1-37 are pending in the present application. Claims 1 and 18 are the independent claims. Claims 30-37 have been newly added. No new matter has been added by way of the above amendments.

Summary of the Office Action

In the Office Action dated February 15, 2005, Claims 1, 2, 4-7, 14, 18, 20-22, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,681,329 to *Fetkovich et al.* ("*Fetkovich*"), and Claims 3, 8-13, 15-17, 19, 23-26, and 28-29 were objected to as being dependent upon a rejected base claim. Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter and addresses the rejections and objections below.

Allowable Subject Matter

In the Office Action dated February 15, 2005, the Examiner objected to Claims 3, 8-13, 15-17, 19, 23-26, and 28-29 for being dependent upon a rejected base claim and indicated that those claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 8-13, and

Serial No. 10/062,619
Response to Official Action
Page 13 of 15

15-17 depend from Claim 1, and Claims 19, 23-26, and 28-29 depend from Claim 18. Applicant believes that Claims 1 and 18 are allowable for at least the reasons discussed below. As such, Applicant requests withdrawal of the objection to Claims 3, 8-13, 15-17, 19, 23-26, and 28-29.

Claim Rejections

The Examiner rejected Claims 1, 2, 4-7, 14, 18, 20-22, and 27 under 35 U.S.C. § 102(e) as being anticipated by *Fetkovich*. Applicant respectfully traverses these rejections.

With respect to independent Claim 1, the Examiner argues that *Fetkovich* teaches the steps of: detecting that a process has been loaded from a persistent storage into a memory of a computer system, wherein said process is comprised of one or more components; for each of said components, determining whether an in-memory base address is equivalent to a preferred base address of an on-disk representation of the component; and in response to determining that for a selected component the in-memory base address is not equivalent to the preferred base address, updating the on-disk representation of the selected component to reflect the in-memory base address. As discussed in the April 7, 2005 telephonic interview, Applicant disagrees with the Examiner's reading of *Fetkovich* and does not believe that the invention of Claim 1 is disclosed or suggested by *Fetkovich*.

In particular, Applicant submits that *Fetkovich* does not teach or suggest at least the step of: updating the on-disk representation of the selected component to reflect the in-memory base address. As described in the Applicant's specification and now clarified in amended Claim 1, the on-disk representation of the selected component is stored in the persistent storage of the computer system. Furthermore, as is well-known in the art and also now clarified in amended Claim 1, loading a component from persistent storage into

Serial No. 10/062,619
Response to Official Action
Page 14 of 15

memory involves loading a copy of the component into memory. *Fetkovitch* describes certain standard functionality of current Windows-based operating systems, which involves changing or “fixing-up” the addresses within a copy of a component loaded into memory when that copy of the component is relocated to a new in-memory base address due to a base address conflict. See *Fetkovitch*, Col. 6, lines 31 and 37-43. *Fetkovitch* does not disclose, teach or suggest that such changes are applied to the on-disk representation of the component stored in the persistent storage of the computer system.

Because the “fix up” process described in *Fetkovitch* does not apply any changes to the on-disk representation of the component stored in the persistent storage, it provides only a temporary “fix” for coping with existing base address collisions. The “fix ups” described in *Fetkovitch* are necessarily lost each time the copy of the component is released from memory. As a result, the component will always be loaded into memory at its original preferred based address and is likely to repeatedly encounter the same base address collision. In contrast, the invention of Claim 1 attempts to prevent repeated base address collisions by updating the on-disk representation of the selected component, which is stored in the persistent storage of the computer system, to reflect the new base address to which the component was just relocated. As a result, for at least the next load of that component from persistent storage into memory, the operating system will attempt to load the component into memory at the new base address, thereby avoiding the base address collision that occurred during the prior load.

Accordingly, it is believed that Claim 1 is novel and non-obvious in view of *Fetkovitch*. Claims 2-17 and 34-37 depend from Claim 1 and are therefore also deemed to be patentable for at least the foregoing reasons. Independent Claim 18 also includes the step of updating the on-disk representation of a selected component, which is stored in the persistent storage of a computer system, to reflect a new base address. Therefore,

Serial No. 10/062,619
Response to Official Action
Page 15 of 15

independent Claim 18 and its dependent Claims 19-33 are believed to be novel and non-obvious in view of *Fetkovich* for at least the reasons cited with respect to Claim 1.

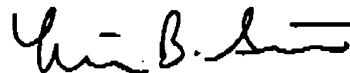
Additional Prior Art

Applicant acknowledges the additional prior art of record, but has not discussed any of those references because they were not relied upon by the Examiner in forming the above-mentioned rejections.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action mailed February 15, 2005. All additional fees believed to be due are enclosed herewith. However, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 11-0980. If there are any issues which can be resolved by telephone conference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney at (404) 572-3542.

Respectfully submitted,



By: Lisa B. Sims
Reg. No. 56,701

King & Spalding LLP
191 Peachtree Street
Atlanta, Georgia 30303
404.572.4600
Atty. Docket No. 10478.105002